

## REMARKS

The Office Action of May 17, 2005 has been received and reviewed. Claims 1-44 are currently pending in the application. Claims 11-26 and 31-44 are withdrawn from consideration as being directed to a non-elected invention. Claims 5 and 7 have been cancelled herein. New claim 45 has been added. Claims 1-10 and 27-30 stand rejected. Claims 1, 3, 8, 11, 13, 14, 24, 27, 28, 31, 43, 38, 40, 41, and 44 have been amended as set forth herein. All amendments are made without prejudice or disclaimer. Reconsideration is respectfully requested. This response is filed within six (6) months of the mailing date of the Office Action (May 17, 2005). Submitted herewith is a Petition for Extension of Time under 37 C.F.R. § 1.136(a) for a three (3) month extension.

### Rejections Under 35 U.S.C. § 112, 1st Paragraph

Claims 1-10 and 27-30 stand rejected under 35 U.S.C. § 112, first paragraph, for assertedly failing to comply with the written description requirement. Partly in view of the amendments to claims 1 and 27, reconsideration and withdrawal of the written description rejections are respectfully requested.

Although the applicants do not agree that the application does not comply with the written description requirement, to expedite prosecution, claims 1 and 27 have been amended herein. Amended claims 1 and 27 now recite: "*Plasmodium falciparum*," "wherein said nucleic acid has a sequence as depicted in FIG. 1, or wherein said nucleic acid has a sequence that comprises at least 90 percent homology to a sequence as depicted in FIG. 1, and wherein at least one glycosylation site is removed from said *Plasmodium falciparum* AMA-1 ectodomain," and "wherein said *Plasmodium falciparum* AMA-1 ectodomain exhibits specificity for mAb 4G2." Further, claims 1 and 27 have been amended to no longer recite "a functional derivative thereof, functional analogue thereof, or any combination thereof."

An applicant may show that an invention is complete by disclosure of sufficiently detailed, relevant identifying characteristics which provide evidence that the applicant was in possession of the claimed invention, *i.e.*, complete or partial structure, other physical and/or chemical properties, functional characteristics when coupled with a known or disclosed correlation between function and structure, or some combination of such characteristics. *Enzo*

*Biochem v. Gen-Probe Inc.*, 323 F.3d 956, 964, 63 USPQ2d 1609, 1613 (Fed. Cir. 2002); *see also* MPEP §§ 2161-2163.

Applicants respectfully assert that the claims 1 and 27, as amended, comply with the written description requirement. Applicants provide both complete and partial structures, to wit: “wherein said nucleic acid has a sequence as depicted in FIG. 1, or wherein said nucleic acid has a sequence that comprises at least 90 percent homology to a sequence as depicted in FIG. 1.” Further, applicants provide distinct physical and chemical properties, to wit: “wherein said *Plasmodium falciparum* AMA-1 ectodomain exhibits specificity for mAb 4G2.” As such, applicants respectfully submit that claims 1 and 27 fulfill the written description requirement. Further applicants assert that claims 2-10 and 28-30 are allowable at least as depending, directly or indirectly, from independent claims 1 and 27. As such, reconsideration and withdrawal of the rejection of claims 1-10, and 27-30 under 35 U.S.C. § 112, first paragraph, are respectfully requested.

#### **Rejections Under 35 U.S.C. § 102(b)**

Claims 1-3, 5-6, 9-10, and 27-30 stand rejected under 35 U.S.C. § 102(b) as assertedly being anticipated by Kocken *et al.* Applicants respectfully submit that the claim amendments overcome the rejections and request withdrawal of the same.

Although the applicants do not agree with the Examiner’s characterization of the teachings of Kocken *et al.* with regard to the present application, to expedite prosecution, independent claims 1 and 27 have been amended to recite *Plasmodium falciparum* as opposed to the genus *Plasmodium* generally. As noted by the Examiner on Page 10 of the instant Office Action, “Kocken *et al.* teach the expression of *P. vivax* AMA-1.” As Kocken *et al.* does not teach each and every element of the amended claims, to wit, expression of the *P. falciparum* AMA-1 ectodomain, applicants respectfully assert that Kocken *et al.* cannot anticipate the claims 1 and 27 as amended. Furthermore, applicants respectfully assert that claims 2-3, 5-6, 9-10, and 28-30 are allowable at least as depending, directly or indirectly, from independent claims 1 and 27. As such, reconsideration and withdrawal of the rejection of claims 1-3, 5-6, 9-10, and 27-30 under 35 U.S.C. § 102(b) are respectfully requested.

If questions remain after consideration of the foregoing, the Office is kindly requested to contact applicants' attorney at the address or telephone number given herein.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Daniel J. Morath", with a stylized flourish at the end.

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